HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.10229 OF 2005

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Between:
Gali Narasimha Rao and others.

..... Petitioners

AND

The District Collector, Guntur and six others.

.....Respondents

::ORDER::

Counsel for the Petitioner : Sri S.V.Ramana for Sri

O.Manoher Reddy

Counsel for Respondent Nos.1 to 3: The Government Pleader

for Revenue

Counsel for Respondent Nos.4 to 7: Sri Challa Srinivas Reddy

Dated 18/9/2006

Per Sri G.S.Singhvi, CJ

In this petition, the petitioners have prayed for issue of a mandamus to respondents 1 to 3 to close the prawn tanks being operated by respondents 4 to 6 in the agricultural lands adjacent to Puchakurthivaripalem Village, Pittalavanipalem Mandal, Guntur District.

In paragraph two of the counter affidavit filed by Sri A.Nageswara Rao, Mandal Revenue Officer, Pittalavanipalem Mandal the following averments have been made.

> "I submit that the above writ petition is filed by the petitioners for a declaration that the action of the official revenue authorities i.e., respondents 1 to 3 in not closing the Prawn Tanks dug by unofficial respondents 4 to 7 in agricultural lands and for a consequential direction to direct the respondents 4 to 7 to close the tanks. It is the case of the petitioners that they are agriculturists of Puchakurthivaripalem village and the present writ petition is filed by them as public interest litigation against the respondents for not closing the prawn tanks. The complaint of the petitioners that the respondents 4 to 7 are owners of land in Survey Nos.101, 102 and 103 of Puchakurthivaripalem Village and they have converted their lands into prawn tanks without obtaining permission for conversion and in view of the conversion, the water in the bore-wells situated in the vicinity of the village and wells became saline and the residents of the village are not able to drink the water. On receiving representation, I have issued notice dated 8.3.2005 to the respondents 4 and 5 for closure of the prawn tanks as the same is contrary to the directions of the Hon'ble Supreme Court of India and served the same on respondents 4 and 5 under acknowledgement. I have also issued similar notices on 10.5.2005 to respondents 6 and 7 under acknowledgement. In spite of the notices, the

respondents 4 to 7 did not close the prawn ponds in their agricultural lands. However, it is also pertinent to inform that as the respondents 4 to 7 did not close the prawn ponds, the District Collector, Guntur in her letter Rc.No.1989/2005-E2 dt.11.7.05 directed me to take immediate action for closure of the prawn ponds as the ryots did not obtain necessary permission. Pursuant to the same, Revenue Divisional officer, Tenali addressed a letter to the Sub-Divisional Police Officer, Bapatla vide Rc.No.323/2005-B dt.16.7.05 to provide necessary police protection to the Mandal Revenue Officer, Pittalavanipalem for demolition of ponds on 17.7.2005. As per the instructions of the Revenue Divisional Officer, Tenali, I along with Mandal Revenue Inspector and Panchayat Secretaries proceeded to the village at 10-30 A.M. On 17.7.05 and by the time, we visited the subject lands/tanks, the respondents 4 and 5 and son of the 7th respondent were present. We did not find existence of prawn in the ponds converted by the respondents 4 to 7. However, there is no water in two ponds by the time we reached the tanks. In so far as the remaining 4 tanks are concerned, the respondents themselves volunteered to bail out water from 4 ponds. After the water is bailed out, the Revenue authorities have breached the bunds of all the tanks to prevent any further prawn culture in future by the respondents 4 to 7. Necessary report was also submitted to the District Collector, Guntur on the same day i.e. 17.7.05 itself. As all the precautionary steps are taken to demolish the prawn ponds constructed by the unofficial respondents 4 to 7 without permission, the Writ Petition filed for the said relief may be dismissed as no further cause of action survives in the Writ Petition."

Learned counsel for respondents 4 to 7 stated that his clients have stopped use of agricultural land for prawn culture.

In view of the averments contained in para 2 of the counter affidavit and the statement made by learned counsel for respondents 4 to 7, the writ petition is disposed of as infructuous.

As a sequel to disposal of the writ petition as infructuous, WPMP No.13259 of 2005 filed by the petitioners for interim relief is also disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY,J

18.9.2006
msv.